


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<p>In re Rule 53(b) Continuation of</p> <p>Application U.S. Serial No.: 09/251,652</p> <p>Filed: 17 FEBRUARY 1999</p> <p>For: CO-ADMINISTRATION OF A THROMBOLYTIC AND AN ANTI- CD18 ANTIBODY</p>	<p>Group Art Unit: To be assigned</p> <p>Examiner: To be assigned</p>
	<p>EM 168886705 US: Express Mail Number December 20, 2000: Date of Deposit</p> <p>I hereby certify that this correspondence, consisting of Formal Documents for P1729C1, is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner of Patents, Washington, D.C. 20231.</p> <p>December 20, 2000</p> <p> Richard B. Love</p>

PRELIMINARY AMENDMENT UNDER 37 C.F.R. §1.115

Box Application
Assistant Commissioner of Patents
Washington, D.C. 20231

Sir:

In advance of examination of the above-identified application, Applicants respectfully request entry of the following amendment and consideration of the following remarks.

IN THE TITLE:

Please delete the title and insert therefor --CO-ADMINISTRATION OF A THROMBOLYTIC AND AN ANTI-CD18 ANTIBODY IN STROKE--.

IN THE SPECIFICATION:

Please delete the sentence on page 1, lines 14-16 of the specification and insert therefor

--This application is a continuation application claiming priority under 35 U.S.C. §120 to non-provisional application U.S. Ser. No. 09/251,652 filed February 17, 1999, which is a continuation-in-part application claiming priority under 35 U.S.C. §120 to non-provisional application U.S. Ser. No. 08/788,800 filed January 22, 1997, which claims priority under 35 U.S.C. §119(e) to provisional application U.S. Ser. No. 60/093,038 filed January 23, 1996 (which was converted from non-provisional application U.S. Ser. No. 08/589,982 by petition), the entire disclosures of which non-provisional and provisional applications are incorporated herein by reference.--

REMARKS

The above-identified application is a continuation of co-pending application U.S. Ser. No. 09/251,652. The co-pendency of parent application U.S. Ser. No. 09/251,652 is maintained by the enclosed petition under 37 C.F.R. §1.136(a) to extend the time for response to the outstanding Restriction Requirement in the parent application for a period of five (5) months from July 20, 2000 to December 20, 2000.

The specification, drawings and abstract of the above-identified application are the same as the specification, drawings and abstract of parent application U.S. Ser. No. 08/788,800 (now issued as U.S. Pat. No. 5,914,112). The entire disclosure of parent application U.S. Ser. No. 08/788,800 was incorporated by reference in parent application U.S. Ser. No. 09/251,652 as filed. Thus, there is continuity of disclosure between the above-identified application and parent application U.S. Ser. No. 09/251,652. As a result of the same incorporation by reference statement, there is continuity of disclosure between parent application U.S. Ser. No. 08/788,800 and (continuation-in-part) application U.S. Ser. No. 09/251,652. Finally, there is continuity of disclosure between provisional application U.S. Ser. No. 60/093,038 and non-provisional

application U.S. Ser. No. 08/788,800 claiming priority thereto under 35 U.S.C. §119(e).¹ Therefore, there is continuity of disclosure throughout the chain of applications extending from the above-identified application to parent provisional application U.S. Ser. No. 60/093,038.

The named inventors of the above-identified application are Martin M. Bednar, Cordell E. Gross and G. Roger Thomas. The named inventors of parent application U.S. Ser. No. 09/251,652 are Hal V. Barron, Paula M. Jardieu and G. Roger Thomas. Finally, the named inventors of parent application U.S. Ser. No. 08/788,800 and parent provisional application U.S. Ser. No. 60/093,038 are Martin M. Bednar, Cordell E. Gross and G. Roger Thomas. Thus, there is continuity of inventorship throughout the chain of applications extending from the above-identified application to parent provisional application U.S. Ser. No. 60/093,038.

Claim 1 (and all of its dependent claims) in the above-identified application recite a method for “increasing cerebral blood flow and/or reducing infarct size in focal ischemic stroke caused by obstruction of a main cerebral artery in a human mammal which comprises the step of co-administering effective amounts of tissue plasminogen activator (tPA) and anti-CD18 antibody to the mammal wherein neither the tPA nor the anti-CD18 antibody is administered to the mammal until about three to five hours after the onset of focal ischemic stroke”, as supported, at least, on page 5, line 31 to page 6, line 12 and page 29, lines 10-16 of the specification and in Figures 1-2 of the above-identified application; on page 5, line 31 to page 6, line 12 and page 29, lines 10-16 of the specification and in Figures 1-2 of parent application U.S. Ser. No. 08/788,800 (and by the same disclosure incorporated by reference in parent application U.S. Ser. No. 09/251,652); and on page 6, lines 12-27 and page 33, line 27 to page 34, line 4 of the specification and in Figures 1 and 2 of parent provisional application U.S. Ser. No. 60/093,038.

Since the above-identified application satisfies the requirements of co-pendency and continuity of disclosure and inventorship, and since the pending claims in the application are supported by the disclosures of every parent in the chain of applications beginning with

¹ Provisional application U.S. Ser. No. 60/093,038 was converted from non-provisional application U.S. Ser. No. 08/589,982 by petition under 37 C.F.R. §1.53 filed on January 14, 1997 and granted on July 31, 1998.

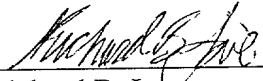
provisional application U.S. Ser. No. 60/093,038, as shown above, Applicants submit that the pending claims in above-identified application are entitled to claim priority to provisional application U.S. Ser. No. 60/093,038 filed January 23, 1996. Accordingly, Applicants hereby claim priority to provisional application U.S. Ser. No. 60/093,038 filed January 23, 1996.

Applicants respectfully submit that the application is in condition for examination.

Respectfully submitted,

GENENTECH, INC.

Date: December 20, 2000

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